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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,893	08/05/2005	Frank Haneball	HANEBALL	6482
20151 7590 09/09/2008 HENRY M FEIEREISEN, LLC HENRY M FEIEREISEN 708 THIRD AVENUE SUITE 1501 NEW YORK, NY 10017				
EXAMINER JOHNSON, VICKY A				
ART UNIT		PAPER NUMBER		
3682				
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09/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/544,893

Applicant(s)

HANEBALL ET AL.

Examiner

Vicky A. Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 35, 36 and 38-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 35, 36 and 38-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB008)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the bayonet joint, resilient tongues, bolts or pins provided in the connection zones for engagement in recesses, resilient locking tongues, the power feed cable has conductors, each said conductor carrying a plug, the securing element is placed from inside upon the plug and has a fork-shaped configuration, and the one locking tooth must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 44 is objected to because of the following informalities: Claim 44 depends from itself. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-7, 9, 10, 13, 35, 36, 39, 42, and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is indefinite because it is unclear how the housing, the motor casing, and the attachment part have meshing threads with each other.

Claim 3 is indefinite because it is unclear how the threads work and are situated with respect to the bayonet lock.

Claim 5 recites the limitation "the motor pot" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the motor pot" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 6 is indefinite because it is unclear how the motor casing is between the motor and the housing.

Claim 9 is indefinite because it is unclear how to interpret the limitation "securing elements provided in the connection zones between the housing and the motor casing with internal thread and/or the attachment part."

Claim 36 is indefinite because it is unclear which element is the "tool aid."

Claims 42 and 43 are indefinite because it is unclear how the threads work with the material interconnected connection elements and what makes up those elements.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-14, 35, 36, and 38-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Franksson (US 6,772,653), as best understood.

Franksson discloses an electromotive linear drive comprising: a housing (12), at least one motor casing (1), and at least one attachment element (21), wherein the housing (12) is connected to the motor casing (1) and the attachment part (21) via connection zones which are cylindrically configured and implemented in radial direction through a rotary motion of at least one of the components selected from the group consisting of the housing (12), the motor

casing (1), and the attachment part (21), said connection zones being form-fittingly designed in axial direction (see Fig 3).

Re claim 2, the connection zones of the housing (12), of the motor casing (1) and the attachment part (21) have threads.

Re claim 4, the housing (12) is provided with external threads and/or internal threads.

Re claim 5, the motor casing (1) is provided with internal threads and/or external threads, and the attachment part (21) is provided with external threads and/or internal threads.

Re claim 8, the motor casing (1) has a pot-shaped configuration and is open on a housing-proximal side, thereby defining annular gap, and further comprising a seal (25) received in the annular gap.

Re claim 9, securing elements (col. 3 lines 9-17) are provided in the connection zones between the housing (12) and the motor casing (21).

Re claim 11, the connection zone between the housing (12) and the attachment part (21) has multiple thread portions.

Re claim 12, the attachment part (21) is securable in two positions of the housing (12).

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Re claim 14, the housing or the motor casing (1) includes a socket receptacle (36), and further comprising a power feed cable having a plug in flat format or round format for insertion in the socket receptacle (col. 3 lines 36-43).

Re claim 38, the connection zone between the housing (12) and the attachment part (21) has four thread portions.

Re claim 39, the securing elements are configured as mechanical connection elements (col. 3 lines 9-17).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franksson (US 6,772,653) in view of Mounier (FR 2632460).

Franksson discloses a device as described above, but does not disclose the plug of the power feed cable for insertion in the socket receptacle is secured by a securing element.

Mounier teaches the use of a plug (15) of a power feed cable for insertion in a socket receptacle is secured by a securing element (14).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Franksson to include a securing element as taught by Mounier in order to facilitate assembly.

Re claim 16, Mounier shows the securing element (14) is a cover cap placed from outside upon the plug and secured by resilient locking tongues.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vicky A. Johnson/
Primary Examiner, Art Unit 3682